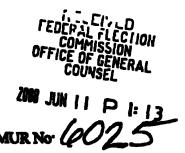
FEDERAL ELECTION COMMISSION

In the matter of

Marsha Blackburn for Congress, Inc. Tea Hoffman, Treasurer



COMPLAINT

1 Crizzens for Responsibility and Ethics in Washington ("CREW"), Melanie Sloan and Barbara Kaye Ginsberg bring this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against Marsha Blackburn for Congress, Inc. ("MBC") and Tea Hoffman, treasurer, for direct and serious violations of the Federal Election Campaign Act ("FECA")

Complements

- 2 Complament CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process CREW uses a combination of research, litigation, and advocacy to advance its mission
- In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating critizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and publicizes those who violate federal campaign finance laws. Through its website, press releases and other methods of distribution, CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping.

the public informed about individuals and entities who violate campaign finance laws and deterring future violations of campaign finance laws

- In order to assess whether an individual, candidate, political committee, or other regulated entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports that political committees must file pursuant to the FECA, 2 U S C § 434(a)(2), 11 C F R § 104 1 CREW is hindered in its programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports of receipts and disbursements required by the FECA
- CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated reports of receipts and disbursements are the only source of information CREW can use to determine if a candidate, political committee, or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all reports of receipts and disbursements required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.
- Complainant Melame Sloan is the executive director of Citizens for Responsibility and Ethics in Washington, a citizen of the United States and a registered voter and resident of the District of Columbia. Berbara Kaye Ginsberg is a citizen of the United States and a registered voter and resident of the Seventh Congressional District of Tennessee. As registered voters, Ms. Sloan and Ms. Ginsberg are entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U S C § 434(a)(2), 11 C F.R § 104 1. Ms. Sloan and Ms. Ginsberg are harmed when a candidate, political committee, or other regulated entity fails to report campaign finance activity as required by the FECA. See FEC v. Aking, 524 U S. 11,

19 (1998), gnoting Buckley v. Valeo. 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Ms. Sloan and Ms. Ginsberg are further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting their ability to review campaign finance information.

Respondents

7 Marsha Blackburn is a member of the United States House of
Representatives representing the seventh congressional district of Tennessee Marsha
Blackburn for Congress, Inc. is the principal campaign committee for Rep. Blackburn
Tea Hoffman is the current treasurer of Marsha Blackburn for Congress Inc. and served
as treasurer at the time of the events described in this complaint

Factual Allegations

- On July 20, 2005, the FEC's Reports Analysis Division referred MBC and Tea Hoffman, as treasurer, to the FEC's Office of General Counsel for an enforcement action for failing to disclose all disbursements on its 2004 12 Day Pre-General Report and for failing to disclose all receipts on its 2004 30 Day Post-General Report in violation of 2 U S C §§ 434(b)(2)&(4) and 11 C F R §§ 104 3(a)&(b) (see Reports Analysis Referral to Office of General Counsel attached as Exhibit A) Specifically, the Reports Analysis Division alleged that MBC and Tea Hoffman, as treasurer, had violated 2 U S C § 434(b)(4) and 11 C F R § 104 3(b) by failing to disclose additional disbursements totaling \$50,046 96 on its original 2004 12 Day Pre-General Report. In addition, the Reports Analysis Division alleged that MBC and Tea Hoffman, as treasurer, had violated 2 U S C § 434(b)(2) and 11 C F R § 104 3(a) by failing to disclose additional receipts totaling \$61,856 00 on its original 2004 30 Day Post-General Report
- 9 On October 20, 2005, G Kline Preston of the Preston Law Group, P.C., on behalf of MBC and Tea Hoffman, as treasurer, responded to the Reports Analysis Division

Dispute Resolution Office (attached as Exhibit B) Mr Khine argued that all of the violations alleged by the Reports Analysis Division were inadvertent and stated that both MBC "and Ms. Hoffman have recognized the reporting errors and have taken remedial measures to ensure against future errors." Exhibit B at 2. In addition, Mr Kline argued that "there is no suggestion or evidence to support an argument that these errors were intentional or intended to serve any purpose for the benefit of the Committee, Ms. Hoffman, or Rep Blackburn." Id

- On March 21, 2006, MBC and Tea Hoffman, as treasurer, entered into a negotiated settlement with the FEC in ADR 287 to resolve the allegations in the Reports Analysis Division's July 20, 2005 referral to the Office of the General Counsel (attached as Exhibit C) MBC and Tea Hoffman, as treasurer, agreed to (a) develop a FEC compliance manual for staff reference, (b) pay a civil penalty of \$1,500, and (c) send the person responsible for FECA compliance to a FEC seminar within twelve months of the date of the agreement. Exhibit C at 2 MBC and Tea Hoffman, as treasurer, also agreed that "all information provided to resolve this matter [was] true and accurate to the best of their knowledge and that they sign[ed] [the] agreement under penalty of perjury pursuant to 28 U S C § 1746 " Id
- On April 16, 2008, MBC and Tea Hoffman, as treasurer, announced to the media that an internal review of the MBC's records had determined that MBC had failed to report or had incorrectly reported receipts and expenditures totaling more than \$440,000 over a period of more than six years. Bill Theobald, Blackburn funds were misreported. The Tennessean, April 16, 2008 (attached as Exhibit D). Don McGahn, counsel for MBC, prepared and released to the media a fact sheet summarizing the results of the internal review of MBC's records (attached as Exhibit E). The fact sheet indicates that MBC failed to report a total of \$102,444.09 in contributions and

\$286,278 05 in expenditures, including \$18,821 11 in expenditures to Political Concepts, a company owned by Rep Blackburn's daughter and son-in-law, Mary and Paul Morgan Exhibit E at 1

- On May 19, 2008, *The Jackson Sun* reported that MBC had failed to report a \$1,000 contribution it had received from Friends of Duke Cunningham on October 8, 2004 Bill Theobald, <u>Blackburn campaign plagued by financial data problems</u>, *The Jackson Sun*, May 19, 2008 (attached as Exhibit F) Friends of Duke Cunningham was the principal authorized campaign committee of Representative Randy "Duke" Cunningham (R-CA) Former Rep Cunningham is currently serving an eight year, four month prison sentence in a federal prison after being convicted of tax evasion, conspiracy to commit bribery, mail fraud, and wire fraud
- 13 The October 8, 2004 contribution by Friends of Duke Cunningham to MBC should have been reported by MBC on its 2004 12 Day Pre-General Report the exact same report that was the subject of the FEC enforcement action in ADR 287. It was not See 2004 MBC 12 Day Pre-General Report (filed October 18, 2004)(attached as Exhibit G) MBC filed four subsequent amended versions of its 2004 12 Day Pre-General Report on November 11, 2004, November 29, 2004, April 21, 2005 and November 16, 2005 None of these amended versions of MBC's 2004 12 Day Pre-General Report disclosed the October 8, 2004 contribution by Friends of Duke Cunningham Rep Cunningham was convicted of tax evasion, conspiracy to commit bribery, meal freud and ware freud on November 28, 2005 - one month after MBC and Tea Hoffman, as treasurer, had filed their response in ADR 287 claiming that any deficiencies in the 2004 12 Day Pre-General Report were "inadvertent" and less than two weeks after MBC filed the last amended version of its 2004 12 Day Pre-General Report. which, for the fifth time, failed to disclose the Cunningham contribution. MBC finally disclosed the October 8, 2004 Friends of Duke Cunningham contribution on April 16,

2008 - three-and-a-half years after it was received by MBC See MBC Amended 12 Day Pre-General Report (filed April 16, 2008)(attached as Exhibit H)

COUNTI

- 14 FECA and FEC regulations both require a principal campaign committee to disclose its receipts during each applicable reporting period 2 U S C § 434(b)(2), 11 C F R § 104 3(a)
- By its own admission, MBC and Tea Hoffman, as treasurer, failed to disclose \$102,044 09 in contributions, including the October 4, 2004 \$1,000 contribution from Friends of Duke Cunningham, in violation of 2 U S C § 434(b)(2) and 11 C F R § 104 3(a)

COUNT II

- 16 FECA and FEC regulations both require a principal campaign committee to disclose its expenditures during each applicable reporting periods 2 U S C 434(b)(4), 11 C F R § 104 3(b)
- By its own admission, MBC and Tea Hoffman, as treasurer, failed to disclose \$286,278 05 in expenditures, including \$18,821 11 in expenditures to a company owned by Rep Blackburn's daugher and son-in-law, in violation of 2 U S C § 434(b)(4) and 11 C.F R § 104.3(b)

COUNT III

- FECA and FEC regulations authorize the FEC to conduct an audit and field investigation of any political committee required to file a report under 2 U S C § 434 if the FEC determines that the reports filed by a particular committee find to meet the threshold for substantial compliance with the Act 2 U.S C § 438(b), 11 C.F.R § 104 16
- By its own admission, MBC and Tea Hoffman, as treasurer, failed to disclose \$102,044 09 in receipts and \$286,278 05 in expenditures over a period of more than six years. The reports filed by MBC and Tea Hoffman, as treasurer, since July 15,

2002 do not met the threshold for substantial compliance with the FECA

COUNT IV

- MBC and Tea Hoffman, as treasurer, signed a settlement agreement with the FEC in ADR 287 in which they stated that all information provided to the FEC to resolve the enforcement matter over the MBC 2004 12 Day Pre-General Report was true and accurate to the best of their knowledge and that they signed the settlement agreement under penalty of perjury pursuant to 28 U S C § 1746
- 21 MBC and Tea Hoffman, as treasurer, failed to disclose the October 8,
 2004 contribution from Friends of Duke Cumningham when providing information to the
 FEC to resolve the enforcement matter over the MBC 2004 12 Day Pre-General Report in
 violation of 28 U S C § 1746

CONCLUSION

WHEREFORE, Citizens for Responsibility and Ethics in Washington, Melanie Sloan and Barbara Kaye Ginsberg request that the Federal Election Commission conduct an audit and investigation into these allegations, declare the respondents to have violated the Federal Election Campaign Act and applicable FEC regulations, impose sanctions appropriate to these violations, and take such further action as may be appropriate, including referring the violations of 28 U.S.C. § 1746 to the Department of Justice for criminal prosecution pursuant to 18 U.S.C. § 1621(2).

Verification

Cruzens for Responsibility and Ethics in Washington, Melanie Sloan and Barbera Kaye Ginsburg, acting through Melanie Sloan, hereby verify that the statements made in the attached Complaint are, upon information and belief, true

Swork pursuant to 18 U S C § 1001

Melanie Sloan

Sworn to and subscribed before me this 11th day of June, 2008

District of Columbia 88

Subscribed and supports before me, in my presenge

My commission expired Octob 300, 200

NACM SELIGMAN STEINER NODWRY PUBLIC DISTRICT OF COLUMBIA My Commission Expires June 30, 2011

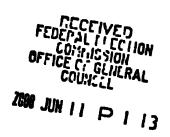


EXHIBIT A

26190264289

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: July 20, 2005

ANALYST: Auto Marie Bredy

I. COMMITTEE: Marsha Blackburn for Congress Inc.

(C00376939)

Tee Hoffman, Treasurer

P.O. Box 682185 Franklin, TN 37068

IL RELEVANT STATUTE: 11 CFR §104.3(a) 11 CFR §104.3(b)

2 U.S.C. (434(b)

III. BACKGROUND:

Fallure to Provide Supporting Schedules (Fallure to Disches All Financial Activity)

Marsin Blackburn for Congress Inc. ("the Committee") amended its 2004 12 Day Pre-General Report on April 21, 2005 to declose additional disbursements totaling \$50,046.96, a 100% increase over the disbursements reported in their original 2004 12 Day Pre-General Report (Image 25990542754). Additionally, the Committee also anended its 2004 30 Day Post General Report on April 21, 2005 to disclose additional receipts totaling \$61,856.00, a 932% increase over the receipts reported in their original 2004 30 Day Post General Report¹ (Image 25990175062) (Attackment 2).

12 Day Pre-General Report

On October 18, 2004, the Committee filed the 2004 12 Day Pre-General Report covering the period from October 1 through October 13, 2004. The supert disclosed disburrements of \$50,154.60 on Line 17 (Operating Expenditures), \$0 on Line 21 (Other Disburrements) and \$50,154.60 on Line 22 (Total

¹ Masso note that the Commettee clop disclosed an additional \$14,000.00 in dislocations on its Amended 2004 Year Hall Report. However, that amount fished to meet RAD solved descitable and, as each, was not maked within the stillars.



Disbursements) of the Detailed Summary Page (Image 24962552704).

On November 10, 2004, the Committee filed an Amended 2004 12 Day Pre-General Report which disclosed disbussements of \$154.60 on Line 17 (Operating Expenditures), \$50,000.00 on Line 21 (Other Disbussements) and -\$50,154.60 on Line 22 (Total Disbussements) of the Detailed Summery Page (Image 24962552704).

On November 29, 2004, the Committee filed another Amended 2004 12 Day Pro-General Report which again disclosed disbursements of \$154.60 on Line 17 (Operating Expanditures), \$50,000.00 on Line 21 (Other Disbursements) and \$50,154.60 on Line 22 (Total Disbursements) of the Detailed Summary Page (Image 24971940947).

On April 21, 2005, the Committee filed their last Amended 2004 12 Day Pre-General Report. The report disclosed disbursements of \$50,154.60 on Line 17 (Operating Expenditures), \$50,000.00 on Line 21 (Other Disbursements) and \$100,201.56 on Line 22 (Total Disbursements) of the Detailed Summery Page.² (Image 25990542757)

On May 10, 2005, the Reports Analysis Division (RAD) sent a Request for Additional Information (RFAI) to the Committee referencing the Amended 2004 12 Day Pro-General Report, received on April 21, 2005. The RFAI requested that the Committee clarify the substantial increase in the emount of receipts and disbursements not disclosed on the original filing (image 25038811183).

On June 17, 2005, the Treasurer of the Committee called and spoke with the RAD Analyst. The Analyst informed Ma. Tea Hoffman that a referral regarding the increased activity on the 2004 12 Day Pro-General and 2004 30 Day Post General Reports would be forwarded to the Office of General Counsel (OGC) (Attachment 8).

To date, no further communication has been received from the Committee regarding the above matter.

30 Day Post-General Report

On November 29, 2004, the Committee filed the 2004 30 Day Post General Report covering the period November 2 through November 22, 2004. The report disclosed receipts of \$3,135.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$0 on Line 11 (b) (Contributions from Political Party Committees) and \$3,500.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$6,635.00 on Line 11 (c) (Total Contributions) of the Post-Election Detailed Summary Page (Junga 24971940061-24971940062).

² The Assessied 2004 12 Day Pro-General Report also declared additional receipts of \$1,000,00. This course, havever, falls below RAD solved fearbald ensemble and is not addressed within the reliefal.

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On January 11, 2005, the Committee filed an Amended 2004 30 Day Post General Report covering the period October 14 through November 22, 2004. The report disclosed recepts of \$43,747.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$0 on Line 11 (b) (Contributions from Political Porty Committees) and \$39,750.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$83,497.00 on Line 11 (c) (Total Contributions) of the Post-Risotion Detailed Summary Page³ (Issage 25980144199-25980144200).

On February 24, 2005, RAD sunt a Request for Additional Information (RFAI) to the Committee referencing the Amended 2004 30 Day Post General Report received January 11, 2005. The RFAI requested that the Committee clarify, along with other matters, the substantial increase in the amount of receipts and disbursements from those disclosed on the original filing (Issage 25038742181).

On March 2, 2005, the Committee filed snother Amended 2004 30 Day Post General Report covering the period October 14 through November 22, 2004. The report disclosed recepts of \$32,247.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$0 on Line 11 (b) (Contributions from Political Party Committees) and \$36,250.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$68,497.00 on Line 11 (e) (Total Contributions) of the Detailed Summery Page (Image 25990175064).

On March 17, 2005, the Committee filed a six (6) page response to the RFAI sunt on Peixuary 24, 2005. The response is listed as an 'Amended 2004 30 Day Post General Report' and provides information concerning other issues addressed within the RFAI but does not provide further clarification concerning the increase in receipts.

On April 19, 2003, the RAD Analyst collect the Committee and left a message for Paul Ketchel, Assistant to the Treasurer, requesting that he call back regarding the pending reform to the Office of General Counsel (OGC) for the increased activity on the Committee's Amended 2004 30 Day Post General Report (Attackment 3).

On April 20, 2005 at 11:21 a.m., the RAD Analyst again called the Committee and left a message for the Treasurer of the Committee, Tea Hoffman. This message also requested that the call the Analyst regarding the pending OGC reform! concerning increased activity on the Committee's Amended 2004 30 Day Post General Report (Attackment 4).

On April 20, 2005 at 02:40 p.m., Ma. Hoffman spoke with the RAD Analyst concerning the pending OGC referral. The Analyst explained to Ms. Hoffman that due to instrumed receipts and disbuttements between the original and amended 2004 30 Day Post General Report the matter would be referred to

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³ The Amended 2004 30 Day Feat General Report also declared additional dishumenests totaling \$22,420.39 This amount is also below the RAD valued feathful and, so such, is not family ested value, the solution.

OGC. The Analyst informed Ms. Hoffman that the Committee had a week to respond with a detailed description explaining the discrepancy between the original and amended reports. Ms. Hoffman said she would have to speak with Paul Katchel, the staff member, who does the actual data entry for the Committee but that she would send a response to the FRC as soon as possible (Attachment 5).

On April 21, 2005 at 12:22 p.m., Peni Ketchel, an Assistant of the Committee, called the RAD Analyst. The RAD Analyst relatented that due to the increased activity between the exiginal and amended 2004 30 Day Post General Report, the matter would be referred to OGC. The RAD Analyst also requested that an amendment which detailed why the increase in receipts and disbursaments be filed. Mr. Ketchel agreed to file an Amended 2004 30 Day Post General Report (Attachment 6).

On April 21, 2005 at 01:05 p.m., the Committee filed mother Amended 2004 30 Day Post General Report covering the period October 14 through November 22, 2004. The report disclosed recepts of \$26,747.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$500.00 on Line 11 (b) (Contributions from Political Purty Committees), \$41,250.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$68,497.00 on Line 11 (a) (Total Contributions) of the Detailed Summary Page (Image 25990542260).

On May 2, 2005, the Committee filed a Miscellaneous Report to the Commission. The filing was an e-text response which explained that the reason for the increased activity in the Amended 2004 30 Day Post General Report was became the Original report was filed with incorrect coverage dates of 11/2/04-11/22/04. When the Committee filed an amendment with the correct coverage dates, of 10/14/04-11/22/04, the 19 days of additional financial activity, caused the increase in activity noted on the amended 30 Day Post General Report (Image 25980491709).

On June 15, 2005, the RAD Analyst left a message for Tea Hoffman, Treasurer, motifying her that a referral would be forwarded to OGC (Attackment 7).

On June 17, 2005, the Tressurer of the Committee called and spoke with the RAD Analyst. The Analyst again informed Ms. Tee Hoffman that a referral regarding the increased sativity on the 2004 12 Day Pre-Ganaral and 2004 30 Day Post General Reports would be forwarded to OGC (Attackment 8).

To date, no further communication has been received from the Committee reserving this matter.

EXHIBIT B

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PRESTON LAW GROUP, P.C.

S HANDENS MOAD NYLL, OF SUM

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October 20, 2005

VIA FACEDULE: (202) 213-0613

Ma. Lynn M. Fracer Appletant Director Alternative Dispute Resolution Office **Pederal Election Commission** 999 E Street N.W. Washington, DC 20463

> ADR 287 (RR 05L-37) Marsha Mackburn for Congress, Inc. and Tea Hoffman, Treasurer

Dale Ma. Frank:

e e gali a was al la musilla siste a I 'am 'writing in susposes to your original letter dated September 9, 2005; which addressed possible violations of the Federal Election Campaign Act of 1971, as amended, to which we have agreed to alternative dispute resolution (ADR). After having reviewed the Committee's reports which were in question, I can offer the following explanations and suggestions for resolution.

The facts set facts in your letter dated September 9, 2005, are accurate as state with the exception that the 2004 12 Day Pro-General Report shows the same \$50,046.96 disbursoment twice. However, for both reporting errors, the errors were inadvertent. With respect to the amended 2004 12 Day Pro-General Report that disclosed what appear to be additional disbursements of \$50,046.96, there were no additional disbursements. The same \$50,046.96 disbursement was inadvertently entered twice. This mistake was the undertunate result of the lack of a category for the disbursement of excess compaign funds in the software known as "Complete Campaigns", which is utilized by the Committee and Ms. Hoffman to strictly comply with the FBC's reporting requirements. After having recognized the error, identified the causation thereof, and taken the necessary remedial measures to ensure that this does not occur again, in the fature, the Committee and Mr. Hoffnen respectfully submit that this should not occur again and that no fine or other disciplinary action is waxneted.

Page Two October 20, 2005 Ma. Lyan M. Preser

The second error by the Committee and Ma. Hoffman involved the 2004 30 Day Post General Report as amended. The facts as alleged in your letter dated September 9, 2005, are correct. The Committee and Ma. Hoffman admit this error in the number of days reported on the original report and again submit that this error was inadvantant with no intent or attempt to deceive or otherwise mislend the FEC.

The Committee and Ms. Hoffman have identified asses within the Committee's infrastructure which can help to ensure that these insolventent errors do not occur again, including enhanced review of reporting procedures and documents prior to submission to the FEC.

The Committee and Ms. Hoffman have recognized the reporting errors and have taken semedial measures to ensure against future errors. I submit that, in mitigation of the errors in reporting by the Committee and Ms. Hoffman, the FEC consider the fact that the Committee's candidate, U.S. Congressman Marsha Blackburn, was unopposed in both the primary and general elections for the periods applicable to the two erroneous reports. No election or opposing candidate was affected by these reports.

The Committee and Ms. Hoffman submit that the errors were simply that — errors. Likewise, there is no suggestion or evidence to support an argument that these errors were intentional or intended to serve any purpose for the banefit of the Committee, Ms. Hoffman, or Congressman Blackburn. These errors were not intended to obsumeent the spicit, or literal provisions, of the Federal Election Campuign Act of 1971, as amended, either.

The Committee and Ms. Hoffman respectfully request that the case against them be dismissed and that the facts as alleged by the FBC, coupled with my clients' explanation thereof, do not warrant any fine or other form of discipline.

I hope this explanation satisfies your inquiry, and I look forward to hearing from you. Of course, should you desire additional information about any of the above-mentioned matters, we will be happy to thesely comply with your request.

G. Kline Preston, IV

Very truly your

GKPTV/km

EXHIBIT C



Federal Election Commission Washington, DC 20163

Case Number 25 Score RR 651-76 Case Nova Margin Modding for Congress, inc

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal source of enzying out its supervisory responsibilities. Following review of the matter, and in an effect to promote compliance with the Federal Election Compaign Act of 1971, as amended, ("FECA") and resolve this matter, the Commission entered into negotiations with Kline Preston, Eq. representing Marsha Blackburn for Congress, Inc. and Ten Hoffman, Treasurer ("the Commission" or "Respondents). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues related in this referral. The parties agree to resolve the matter according to the following terms.

- The Commission entered into this agreement as part of its susponsibility for administering the FBCA, and in an effect to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
- 2. Respondents voluntarily enter into this agreement with the Commission.
- 3. The Reports Analysis Division referred this Committee for falling to disclose all disbursements on its 2004 12 Day Pre-General Report, and falling to disclose all receipts on its 2004 30 Day Post General Report. Respondents filed on amended 2004 12 Day Pre-General Report on April 21, 2005 that disclosed additional disbursements in the amount of \$50,046.96. In addition, Respondents filed an amended 2004 30 Day Post General Report on April 21, 2005 that disclosed additional receipts totaling \$61,856.00.
- 4. The FBCA requires that political committees disclose all receipts and all disbursaments for the reporting period and the calendar year, or election cycle, in the case of an authorised committee of a candidate for Federal office. 2 U.S.C. §§ 434(b)(2), 434(b)(4), 11 C.F.R. §§ 104.3(a), 104.3(b).
- 5. Respondents acknowledge an inadvectory violation of FBCA, bused in part on inexperienced staff. Respondents contend the 2004-12 Day Pro-General Report did not disclose actually additional disbursaments of \$50,046.96. The figure was entered twice in exec, thus making the total appear to be that much greater than it actually was. Respondents essent that the execr in the 2004-30 Day Post-General Report

occurred because of data input error, the software provided figures for an incorrect reporting period. The disbursaments reflected were for November 2, 2004 through November 22, 2004. The correct reporting period for the 2004 30 Day Post-General Report should have been October 14, 2004 through November 22, 2004. When the Committee stellard the exect, it filed the emended separt seffecting the accurate amount for the reporting period. Respondents ergue that they have taken proactive stems to ensure that these errors do not recover.

- 6 Respondents, in an effort to avoid similar errors in the fature, agree to: (a) develop a FECA compliance measure for staff reference; (b) pay a civil penalty of \$1,500; and (a) send the person responsible for FECA compliance to a FEC seminar within twelve (12) measure of the effective date of this agreement.
- 7 Respondents agree that all information provided to resolve this senter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjusy pursuent to 28 U.S.C. § 1746.
- 8. The parties agree that if Respondents fall to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty to the U.S. Treasury for collection or undertake civil action in the U.S. District Court for the District of Columbia to seems compliance.
- 9. This agreement shall become affective on the date signed by all parties and approved by the Commission. Respondents shall comply with terms (a) and (b) in paragraph 6 above within thirty (30) days from the effective date of this agreement. Respondents shall comply with term (c) in paragraph 6 above within twelve (12) months from the effective date of this correspond.
- 10. This Negotiated Settlement constitutes the enture agreement between the parties on ADR 287 (RR 05L-39), and effectively resolves the inner summarized in paragraph 3 above. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforcesble.

FOR THE COMMERSION:

Allen D. Silberman, Director

Alterestive Discute Refolution Office

By

Lysey of Pener, Assistant Director

Maral 210 2004

FOR THE RESPONDENCE

Kline Preston, Bay.

Representing Marsha Blackburn for Congress, Inc.

and Ton Hoffman, Treasurer '

1/03/06 De Band

EXHIBIT D

TENNESSEAN O COM

April 16, 2008

Blackburn funds were misreported

Lawmaker says campaign found discrepancies in review of records

By BILL THEOBALD Tumessom Wathington Bureau

WASHINGTON — Rep Merche Blackburn's compargn committee failed to report or incorrectly reported donations and spending totaling more than \$440,000, going back to when she first rain for Congress in 2002, Blackburn revealed Tuesday

Blackburn said her campaign discovered the discrepancies during a monthe-long review of its records after her bookkeeper and fundraiser raised concerns. The campaign contacted the Federal Election Commission last summer about the problems.

The Republican from Brantwood, a sticker about fiscal matters, said the discovery would not hurt her reputation or her re-election campaign

"If I had let it go unattended, I think it would have," she said

The Tennessee Democratic Party immediately jumped on the report

"It is clear that the congresswomen understands as little about our present flecal situation as she does her own company account," Wade Munday, the state party's communications director, said in a written statement

According to a fact sheet released by Blackburn, the following problems were discovered

- \$102,044 in unreported contributions
- \$298,278 in unreported spending, including \$63,000 for political advertising and \$18,821 to her daughter, Mary Morgen Ketchel, and her son-in-law, Paul, for their company, Political Concepts
- \$62,025 in accounting errors in other expenditures

Blackburn blamed the unreported donations on a credit card company that handled online donations and maxpenenced campaign workers who deposited checks without recording them in the ledger of donations reported to the FEC

Don McGehn, counsel for the compagn, said the money for buying compagn ade was placed in a separate account, but the person who spent it did not communicate with the person in charge of reporting spending to the FEC

McGehn said \$140,000 in electronic fund transfers used mostly to pay campaign selenes ween't reported because the campaign was balancing its PEC reports against the campaign's check register instead of balancing them against bank statements that included the electronic transfers

He said some campaign staffers didn't think expanditures of under \$200 needed to be reported

"There was some sloppy bookksoping," he said of other discrepancies

FEC was contacted

Blackburn said most of the problems occurred before 2004, and 99 percent of the unreported contributions were from her 2002 campaign

"We didn't wait for the FEC to come say there was a problem with this," she said

The FEC made several requests for additional information from the campaign during 2005, and Munday cited a July 2005 memo referring an FEC analyst's concerns about Blackburn's campaign filings to the commission's Office of General Counsel. The FEC and the campaign signed a settlement agreement in March 2006 that included no punishment.

Bob Biereack, epokeemen for the FEC, said he could not comment on a specific campaign committee. He also said that if a campaign reports its own problems, the FEC takes that into account an determining whether to take punitive action

EXHIBIT E

Blackburn for Congress FEC Reconciliation Fact Sheet

After discovering that FBC reports did not reconcile with the *Blackburn for Congress* bank balance, Congressman Blackburn initiated a full financial review and reconciliation which was conducted by FBC Financial FBC Financial discovered several systemic accounting problems, 90% of which occurred between 2002-2004

Topline Numbers:

Total raised (through 3/31/08)

\$3,401,769.16

Total spent (through 3/31/08)

\$2,598,044.88

COH to be reported 4/15/08:

\$203.724.28 (includes \$163.975.60 adjustment)

Systemic Accounting Problems

1 Unreported contributions

\$102,044 09

- 99% of this amount was during the 2002 election
- Due to madequate caging (multiple people depositing checks, etc.), as well
 as a failure by the credit card vendor to provide detailed information.
- 2. Unreported expenditures: \$286,278 05
 - ~\$63,000 (2002 media account)
 - ~\$140,000 (electronic fund transfers 1550e)
 - ✓ ~\$500 bank charges
 - √ ~\$1,000 merchant fee
 - √ ~\$1,000 bank floes
 - √ ~\$16,000 payment to Paychex
 - ✓ ~\$120,000 payroll via Paychex
 - ~\$112,000 (misc. unreported)
 - ✓ Small expenditures less than \$200, itemzation not required.
 - ➤ Of the 584 transactions not reported, 340 were less than \$200
 - √ \$18,821.11 to Paul and Mary Morgan, Political Concepts
 - ✓ ~ \$3,753 in reimburgements to Chuck, Marsha & Chad Blackburn
- 3. Routine accounting errors: \$52.024.06
 - Duplicative entries, transposition errors, etc.

Corrective action:

- o Full-time firm specializing in FEC matters is on retainer
- o Full amendments filed with Federal Election Commission
- o Self-reported issues to Federal Election Commission
- o New procedures adopted to meure internal controls
- o Online banking communication between the FEC expert firm and the campaign
- o One individual responsible for cutting checks
- O One individual responsible for making deposits
- o FEC consultants reconcile FEC report to banking books monthly
- o Internal control in accordance with FEC guidelines and regulations

EXHIBIT F



May 19, 2008

Blackburn campaign plagued by financial data problems

By BILL THEOBALD The Jeckson Sun

WASHINGTON - Faced with financial reporting problems, U.S. Rep. Marsha Blackburn's compaign committee settled a probe by the Federal Election Commission by promising to do better and pay a \$1.500 fine

In FEC campaign reports following the March 2006 agreement, Blackburn's committee teted a \$1,500 payment to the agency Twice

Making a mietake in the reporting of a fine imposed because the campaign made errors in its finance reports typifies a pattern of problems that go back to the Brentwood Republican's first House race in 2002. Blackburn represents District 7, which consists of parts of Middle and Southwest Tennessee

The secue came to a head in April when Blackburn announced that an audit she installed of all her comparin finance records had caused her to file amendments for all 32 periodic reports she has made to the FEC. More than \$440,000 in campaign donations and disbursements had not been reported or were insereported, she said

State Democratic leaders and her Republican primary opponent, Tom Leatherwood of Arlington, have said Blackburn's handling of her campaign reporting is one reason she despit deserve re-election

That Blackburn's campaign was having trouble keeping its books straight should not have been news to her or the FEC. Yet it took years for her to get things right, and the FEC did little to probe below the surface of the repeated problems it found

in her first three campaigne, Blackburn's committee received 33 letters from the FEC pointing out 90 possible mistakes in her campaign finance reports

More than 1,100 House campaign committees received at least one letter from the FEC in each of those years, although not all the committees fied for all three campaigns

Letters exceed average

The 13 letters Blackburn's campaign received in the 2002 campaign were more than twice the average of 5 5 letters received by House campaign committees. The 13 she received during the 2004 campaign were more than three times the average, and the seven received in the 2006 campaign were nearly twice the average, according to a Gannett News Service analysis of data provided by the FEC.

The problems the FEC found ranged from the relatively minor - not providing the occupation or employer for some donors - to more senous claims of illegal contributions by corporations or excessive donations from individuals. In each case, the Blackburn campaign attempted to remedy the problem

But frequently the same, mostly minor mistakes were made repeatedly, and amended filings brought more questions from the FEC and required yet another filing

Ten times in just more than two years, the FEC reminded the campaign that it was supposed to separate the contributions from individuals from those received from political action committees.

in an interview last week, Blackburn pointed out that she, not regulators, instituted the audit, and argued that most of the problems occurred during her first compalar.

"We know something was not lining up," she said "But we didn't know what it was "

She said inexpenenced campaign staffers, including volunteers, did her campaign finance reporting at first

Armong them were her daughter Mary Morgan Katchel and con-in-law Paul. Her daughter, she cold, handles reporting information about donors in her role as her mother's chief fundressing consultant. Since she began running for the House, Blackburn has paid her daughter and son-in-law, a company they both owned and the one her daughter now runs by herself, MK Fundrassing and Events, a total of \$317,623, according to an analysis of campaign data compiled by Congressional Quarterly.

Some campaign finance watchdog groups have criticized Blackburn and other members of Congress for hiring family members, which is legal. Blackburn defended their involvement

"I am very gratified that I have had the support of a lot of family and friends," she said

Blackburn and her campaign "made the necessary changes" in response to the problems her auditing discovered but declined to provide details

Red-flagged 2004 filings

Incorrect reports for two fling periods in the fall of 2004 were referred to the FEC legal staff. In one case, the committee tried four times to straighten out a fling that covered the 13-day period just before the election. The FEC questioned the first version because it listed a \$50,000 donation to the National Republican Congressional Committee, which would exceed the \$25,000 limit per year. The next fling noted that the disbursement was a transfer of excees campaign funds, which was legal, but the \$50,000 was reported twice.

The FEC and committee eventually agreed to the voluntary settlement, including the \$1,500 penalty But deeple subsequent problems with filings by Blackburn's committee, the FEC never dug deeper by conducting its own audit, as it does with some campaigns with repeated reporting violations

FEC spokesman George Smaragdis did not know why the Blackburn campaign was not audited. "The FEC conducts such audits when a committee appears not to have met the threshold requirements for aubstantial compliance with the Federal Election Campaign Act." he said.

The FEC could not explain the Blackburn committee reports that listed a Jan. 23, 2006, payment to the agency for \$1,500, and an April 1, 2006, payment for the same amount. When Blackburn filed all her amount on April this year, the second payment to the FEC still was included, but the amount is listed as \$0.

Blackburn did not know whether the campaign had paid the FEC tunce and received a refund or whether it was simply a ciencal error

Blackburn said she began looking into the problems in 2005, and she began paying campaign finance

expert Don McGehn in the fall of 2006 to untangle her books. Blackburn has paid McGehn, who was nominated by President Bush on May 6 to serve on the FEC, a total of \$22,742 in the past 18 months. She also began paying FEC Financial LLC in the summer of 2006 to oversee her campaign finance reporting. She has paid the company \$36,137

Massie Ritsch, with the watchdog group the Center for Responsive Politics, earl by sending letter after letter the FEC appears to have focused on the details of each filing without picking up the pattern of problems

Members of Congress "are balancing the nation's checkbook," Ritsch said. "They should be able to balance their own."

When Blackburn ennounced the results of her audit, she released a summary of the miseing donations and payments. The only way to figure out who those people or vendors are, however, is to physically compare the amended filings to the previous ones. One previously unreported donation, for example, was \$1,000 in October 2004 from former California Rep. Randy "Duke" Cunningham, who resigned in 2005 after admitting to taking bribes

Blackburn decimed to release a list of the unreported or misreported donetions and expenditures, saying she has reported "in the form the FEC requires"

Blackburn's investment in campaign finance help appears to be helping. Her campaign has received only two letters from the FEC in 2007 and none so far this year.

She has heard nothing from the FEC since she filed her amended reports. Ritisch said the agency does not confirm or deny the existence of an investigation.

Contact Bill Theobald at witheobaldhone connect com

On the Net

www.fec.gov

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EXHIBIT G

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